IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1963 (SS) OF 2005

Ram Prasad Yadav, S/o Shri Tisuri Yadav,
Presently working as Lab Technicians at,
T.B. Clinic Haldwani,
District Nainital. .....Petitioner.

Versus

1. Union of India, through Secretary Ministry of Personnel Public Grievances & Pensions, 3rd floor Lok Nayak Bhawan Khan Market, New Delhi.
2. The Advisory Committee, State Reorganization Govt. India, Deptt., of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, 3rd Floor Lok Nayak Bhawan Khan Market, New Delhi.
3. State Advisory Committee Department of U.P., Reorganization Coordination, 716, 7th Floor Vikas Bhawan, Hazrat Ganj, Lucknow U.P.
4. The State of Uttaranchal through Secretary, Medical Health and Family Welfare, Dehradun.
5. Director General Medical Health and Family Welfare, Uttaranchal Chandra Nagar, Dehradun.
6. State of Uttar Pradesh through Secretary Medical Health and Family Welfare Lucknow.
7. Director General Medical Health and Family Welfare, Lucknow, U.P. .....Respondents.

16.02.2006

Hon'ble Rajesh Tandon, J.

Heard Sri P.C. Bisht, learned counsel for the petitioner, Mrs. Anjali Bhargava, learned counsel for the Central Government, and Mrs. Beena Pandey, learned counsel for the State of Uttar Pradesh.

By the present writ petition, the petitioner has prayed for a writ of Mandamus commanding the respondents no. 1,2,3,4, and 5 to relieve the petitioners from their place of postings at T.B. Clinic Haldwani, Nainital and further commanding the respondents no. 6 and 7 to provide him posting in any Govt. Hospital in the same grade within the State of Uttar Pradesh.

Brief facts giving rise to the present writ petition are that the Petitioner joined as lab Technician on 15.-3.-1996 at T.B Clinic Haldwani, District Nainital under the order dated 16.02.1996 of Director General Medical Health and Family Welfare Lucknow and has been continuously working there.

According to the petitioner, he is permanent resident of State of U.P. and his services at the time of appointment were transferable within the whole State of Uttar Pradesh and he never had been the member of U.P. Hill sub cadre.

The petitioner has further submitted that he is permanent resident of village Kadhipur Tewari, Post Chewta, District Azamgarh, Uttar Pradesh and he has ancestral properties in the State of Uttar Pradesh. His family members and relatives are also residing there.

After and before the creation of the State of Uttaranchal on 09.11.2000 options were invited by the concerned Medicla and Health Department from the employees for serving either in the State of Uttar Pradesh or Uttaranchal.

The petitioner exercised his option (Annexure No. 2) to work in the State of Uttar Pradesh being permanent resident of that State.

When after a lapse of long period after the creation of State of Uttaranchal, the petitioner was not relieved for the State of U.P., he made a representation dated 07.12.2005 before the Director General Medical Health and Family Welfare

Chandar Nagar Dehradun, but till date no decision has yet been taken on that.

The petitioner has submitted that some of the employees who had opted for the State of Uttar Pradesh have already been relieved.

Liberty is given to the petitioner to file a fresh representation stating his grievances within a period of two weeks from the filing of the certified copy of the order.

Thereafter, the respondents nos. 1 and 2 are directed to consider the representation within a period of six weeks from the filing of the certified copy of the order along with the old representations.

Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

16.02.2006
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